IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
Criminal Application No. 3175/2006 in
Criminal Writ Petition No. 625 /2005

Office Notes, Office Memoranda of Coram, : Appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

Mr. S.V. Sirpurkar, Advocate, for the Appellants.
Mr. A.D. Sonak, A.P.P. for the Respondent.

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CORAM : K. J. ROHEE & C. L. PANGARKAR, JJ
DATED : OCTOBER 13, 2006

Heard the counsel for the parties.

2. Three persons including the approver were tried for the offence punishable under Section 302/34 of I.P.C. Accused no.1 viz. Lalitabai sought pardon and was made approver. The allegations against them are that Lalitabai with the help of the present appellants murdered her paramour Ramesh Ahire in the quarter of her husband. It seems that the conviction of the appellants is solely based on the approver's evidence. It may be noted that in her statement before the committal Magistrate the approver had admitted that she had sought help of the appellants for disposing of the dead body of Ramesh Ahire. According to the appellants as they refused to oblige her, she involved them in order to

save herself and her husband. There appears considerable force in the defence set up by the appellants. Hence we are inclined to suspend substantive sentence and release the appellants on bail. Hence the order :-

3. The appellants be released on their executing personal recognizance for Rs.25,000/- each with one surety each in the like amount.

JUDGE. JUDGE

halwai.